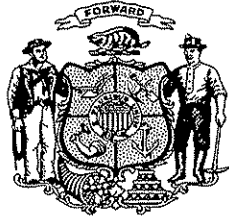


STATE OF WISCONSIN

SENATE CHAIR
MARK MILLER

317 East, State Capitol
P.O. Box 7882
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Phone: (608) 266-9170



ASSEMBLY CHAIR
MARK POCAN

309 East, State Capitol
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JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Mark Miller
Representative Mark Pocan

Date: February 2, 2010

Re: Wisconsin State Public Defender Second Quarter Report on the
2009-2010 Private Bar Appropriation

Attached is a report on 2009-2010 private bar appropriation from the Office of the State Public Defender, pursuant to s. 977.085, Stats.

This report is being provided for your information only. No action by the Committee is required. Please feel free to contact us if you have any questions.

Attachments

MM:MP:jm



Wisconsin State Public Defender

315 N. Henry St. - 2nd Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
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Nicholas L. Chiarkas
State Public Defender

February 2, 2010

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BY: St. Finance

Michael Morgan, Secretary
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, Wisconsin 53702

Senator Mark Miller, Co-Chair
Joint Committee on Finance
State Capitol, Room 409 South
Madison, Wisconsin 53702

Representative Mark Pocan, Co-Chair
Joint Committee on Finance
State Capitol, Room 309 East
Madison, Wisconsin 53702

Dear Secretary Morgan, Senator Miller and Representative Pocan:

Pursuant to § 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its second quarter report on the 2009-2010 private bar appropriation [§ 20.550(1)(d)].

Between July 1 and December 31, 2009, the SPD appointed counsel in 66,373 cases, including 27,912 that were assigned to private bar attorneys on a rotational or contract basis.

The 2009-2010 expenditure authority in the private bar appropriation appears to be sufficient to continue paying private bar attorneys until near the end of June 2010 without interruption. However, a shortfall is projected for fiscal year 2010-2011. I reported in September that the private bar appropriation was facing a deficit of between \$11 million and \$13 million this biennium. At this time, based on year-to-date private bar appointments and expenditures, we project a significantly smaller deficit ranging between \$9 million and \$10 million, which would result in the appropriation likely being depleted during February 2011. We have seen a nearly eight percent reduction of overall appointments to staff and private bar during the first six months of this fiscal year, compared to the same period in fiscal year 2008-2009, with private bar appointments down almost ten percent this fiscal year.

State Public Defender collections are received in five categories: SPD initiated, DOA contract collections, juvenile recoupment by counties, commitment recoupment by counties

and court ordered payments. Following is a summary of the collections received, by category, during the first half of 2009-2010. In that period, the agency referred 38,265 client accounts valued at \$12,170,495 to the DOA-contracted collection agency. In return, the SPD received a net total of \$100,762 (collected from clients) from the collection agency during the same period.

Collections – July 1 through December 31, 2009:

SPD Initiative:	\$ 436,247
Court-Ordered Attorney Fees:	\$ 22,530
Juvenile Recoupment:	\$ 144,092
Commitment Recoupment	\$ 12,692
DOA Contract Collections:	<u>\$ 100,762</u>
Total:	\$ 716,323

If we can provide any additional information, please let us know.

Sincerely,

/S/

NICHOLAS L. CHIARKAS
State Public Defender